

REMARKS

Claims 1-30 are pending with entry of this Amendment.

Applicant acknowledges the allowance of Claims 1-19 and 26-30.

Applicant acknowledges the withdrawal of the rejection of Claims 26-30 under 35 U.S.C. § 112.

Claims 20-25 stand rejected.

Rejection under 35 U.S.C. § 112

On page 2 of the Office Action, the Office improperly rejected Claims 20-25 under 35 U.S.C. § 112, second paragraph as being allegedly indefinite for failing to particularly point out and distinctly claim the subject matter which Applicant regards as the invention.

Specifically, the Office improperly asserted that Claim 20 was indefinite because it may be read as a single means claim. Applicant does not understand this rejection under 35 U.S.C. § 112. For example, Claim 20 is written in Jepson format with the improvement recited in means-plus-function format under 35 U.S.C. § 112, sixth paragraph. Clearly, Claim 20 is not a single means claim. Thus, the present instance is not analogous to that encountered in *In re Hyatt* where a single means claim covered every conceivable means for achieving a stated purpose. *See* MPEP § 2164.08(a) and *In re Hyatt*, 708 F.2d 712 (Fed. Cir 1983). Rather, Claim 20 provides plural elements in Jepson format and an improvement that provides an additional element which is properly

written in means-plus-function format under 35 U.S.C. § 112, sixth paragraph. Thus, Claim 20 cannot properly be considered a single means claim. Reconsideration and withdrawal of the rejection of Claim 20 under 35 U.S.C. § 112, second paragraph are hereby respectfully requested.

Claims 21-25 are ultimately dependent upon independent Claim 20. Claim 20 is in condition for allowance. Thus, the claims depending from independent Claim 20 are patentable at least by virtue of their dependence, without need to resort to the additional patentable limitations contained therein. Reconsideration and withdrawal of the rejection of Claims 21-25 under 35 U.S.C. § 112 are hereby solicited.

Conclusion

This Amendment has been submitted responsive to the Office Action mailed March 25, 2008. Claims 1-30 remain pending in the subject application.

Applicant believes that the present application is now in condition for allowance and such action is earnestly requested.

The Examiner is invited to contact the undersigned by telephone if it is felt that a telephonic or in-person interview would advance the prosecution of the application.

Should any additional fees be necessary in connection with the filing of this Response, or if a petition for extension of time is required for timely acceptance of the same, such a petition is made and the Office is authorized to charge such fees to **Deposit Account No. 08-0870**.

Respectfully submitted,

/mcc/

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